

REMARKS / ARGUMENTS

The following is in response to the office action dated March 15, 2007. In this office action, the examiner rejected Claim 2 as a substantial duplicate of Claim 1, Claims 1-8 under the doctrine of obviousness-type double patenting over the claims of co-pending application 10/564,325, Claim 3 under 35 USC 101, and Claims 3, 4, and 8 under 35 USC 2nd ¶.

In this Amendment, Claims 2 and 3 have been cancelled, and Claims 4, 6, 7 and 8 are amended. Claims 1, 4-8 remain pending for consideration.

The cancellation of claims 2 and 3 render the rejections of those claims moot.

In response to the examiner's rejection of the pending claims over the claims of co-pending application 10/564,325, applicant herein submits a terminal disclaimer, disclaiming any patent term issuing from this application, if granted, to the extent that that such patent term extends beyond the term of any patent that grants on claims 1-8 of co-pending application 10/564,325.

Claims 4 and 8 have been amended to place them in compliance with 35 USC 112.

Claims 6 and 7 have been amended to better define the invention claimed. It is a standard of patent claim interpretation that reference to the singular includes the plural. As such, "another" therapeutically active agent is more appropriately expressed as "one or more" therapeutically active agents.

In light of the amendments made herein and submission of the above mentioned terminal disclaimer, all issues raised by the examiner have been addressed.

It is respectfully asserted that the present application is in condition for allowance. Favorable examination and a notice of allowance are respectfully requested.

Respectfully submitted,



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